

REMARKS

Claims 1-18 and 21 are currently pending. Claims 1-3, 4, 6, 17, and 18 have been amended. Claims 1 and 2 have been amended to more clearly state the inventive subject matter. Claims 3, 4, and 6 have been amended to correct clerical errors. Claims 17 and 18 have been amended to more clearly state the inventive subject matter. A terminal disclaimer is also being filed herewith to traverse rejection of claims 1-18 and 21 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,706,731. Withdrawal and reconsideration are respectfully requested.

Rejections Under 35 U.S.C. §102

Anticipation under 35 U.S.C §102 requires each and every limitation of the claim to be disclosed in a single prior art reference, either expressly or inherently. The anticipating reference must disclose the elements in the arrangement called for by the claim. If any limitation of the claim is missing, the reference does not anticipate.

Reconsideration is requested of the rejection of claims 1-2 as anticipated by U.S. Patent No. 3,847,919 to Knowles et al. Claims 1 and 2 have been amended to delete hydrogen as part of the definition of the Y group. Claims 1 and 2 as presently defined are not anticipated by Knowles. Withdrawal of the rejection is requested.

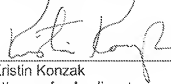
Rejections Under 35 U.S.C. §112

Although applicant traverses the rejection of claims 17 and 18 under 35 U.S.C. §112, it has been amended to properly identify its dependence on the compound of claim 1. This amendment is cosmetic because the limitations of amended claims 17 and 18 are identical to those previously presented in the claims. There is no basis in the action to support the notion that one of ordinary skill in the art would not have understood the scope of the claims as is necessary to support the 35 U.S.C. §112 rejections. While the choice of language may not have been consistent, the inconsistency was not such that one of ordinary skill in the art would not have understood the scope of the claim. The amendment corrects the objectionable form. Should the examiner disagree with this distinction and remain of the opinion that the appropriate way to deal with claims 17 and 18 were by section 112 rejection and not by objection, it is requested that applicant be so advised. Otherwise, applicant will assume that the examiner agrees with applicant's position.

The application is considered to be in condition for allowance and such action is solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kristin Konzak', written over a horizontal dotted line.

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